

## § 320.1

## 39 CFR Ch. I (7–1–06 Edition)

320.4 Suspension for certain letters of college and university organizations.

320.5 Suspension for certain international-ocean carrier-related documents.

320.6 Suspension for extremely urgent letters.

320.7 Suspension for advertisements accompanying parcels or periodicals.

320.8 Suspension for international re-mailing.

320.9 Revocation or amendment of suspensions.

AUTHORITY: 39 U.S.C. 401, 404, 601–606; 18 U.S.C. 1693–1699.

### § 320.1 Definitions.

The definitions in § 310.1 apply to part 320 as well.<sup>1</sup>

[39 FR 33212, Sept. 16, 1974]

### § 320.2 Suspension for certain data processing materials.

(a) The operation of 39 U.S.C. 601(a)(1) through (6) and § 310.2(b)(1) through (6) of this chapter is suspended on all post routes for data processing materials defined in paragraph (c) of this section on the terms detailed in paragraph (b) of this section, subject to the operating requirements in § 320.3.

(b) The suspension referred to in paragraph (a) of this section is for data processing materials conveyed (1) to a data processing center, if carriage is completed within 12 hours or by noon of the addressee's next business day and if data processing work is commenced on such materials within 36 hours of their receipt at the center; or (2) back from the data processing center to the address of the office originating the incoming materials, if carriage is completed within 12 hours or by noon of the addressee's next business day, and if data processing work was commenced on the incoming materials within 36 hours of their receipt at the center. For purposes of the time limitations for completion of delivery referred to in the preceding sentence, delivery of shipments between a do-

mestic point and a foreign point shall be deemed to begin at the time materials of foreign origin are received at the international gateway city or end at the time materials of domestic origin leave the international gateway city. This suspension does not apply to carriages from or to originating offices that are neither part of the firm owning the data processing center nor data processing customers of the firm owning the data processing center.

(c) For purposes of this suspension, (1) “addressee's next business day” means the first calendar day, stated in his local time, on which he conducts business, following the calendar day of dispatch, stated in the sender's local time; (2) “data processing” means electro-mechanical or electronic processing and includes the recording of data by electro-mechanical or electronic means for further processing; and (3) “data processing materials” means materials of all types that are sent exclusively for data processing and are ready for immediate data processing, but only if they are produced recurrently in the course of the normal business operations of the office originating them or receiving them back from the processing center. The performance of clerical work which is merely preparatory and incidental to the commencement of data processing is not, for purposes of this suspension, inconsistent with the requirement that the materials be sent exclusively for data processing and be ready for immediate data processing.

[44 FR 52834, Sept. 11, 1979]

### § 320.3 Operations under suspension for certain data processing materials.

(a) Carriers intending to establish or alter operations based on the suspension granted pursuant to § 320.2 shall, as a condition to the right to operate under the suspension, notify the National Administrator for the Private Express Statutes, U.S. Postal Service, RCSC, 3900 Gabrielle Lane, Rm. 111, Fox Valley, IL 60597–9599, of their intention to establish such operations not later than the beginning of such operations. Such notification, on a form available from the office of the National Administrator for the Private

<sup>1</sup>Several of the items enumerated in § 310.1(a)(7) do not self-evidently lie outside of the definition of “letter”. To the extent, however, that there is any question whether these items may properly be excluded by definition, the Postal Service has determined by adoption of these regulations that the restrictions of the Private Express Statutes are suspended pursuant to 39 U.S.C. 601(b).

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Express Statutes, shall include information on the identity and authority of the carrier and the scope of its proposed operations.

(b) Carriers operating under the suspension granted pursuant to §320.2 are responsible for making sure that their carriage of matter under the suspension meets all conditions contained in §320.2. (See §310.4.) The containers or covers of any matter carried under the suspension must be made available for examination upon request by a properly identified representative of the RCSC. Carrier records—either in the form of notations on the containers or covers of any matter carried under the suspension granted pursuant to §320.2 or in the form of records kept by employees of the actual times they make delivery or pickup stops—must be sufficient to show that the delivery of such matter was completed within the applicable time limitation prescribed in §320.2. The provisions of this paragraph shall not restrict the Postal Service in the exercise of search powers conferred upon it by law.

(c) The filing of notifications under this section does not relieve the operator of responsibility for assuring that its operations conform to applicable statutes and regulations.

(d) Failure to comply with the notification requirements of this section and carriage of material or other action in violation of other provisions of this part and of part 310 are grounds for administrative revocation of the suspension as to a particular carrier for a period of not less than one year, in a proceeding instituted by the General Counsel, following a hearing by the Judicial Officer Department in accordance with the rules of procedure set out in part 959 of this chapter.

NOTE: The form referred to in §320.3 is reproduced below.

### NOTICE OF INTENT TO ESTABLISH OPERATIONS UNDER SUSPENSION OF THE PRIVATE EXPRESS STATUTES<sup>1</sup>

(SEE 39 CFR PART 320, SUSPENSION OF THE PRIVATE EXPRESS STATUTES)

#### Private Carriage of Letters

Name of Carrier \_\_\_\_\_  
Address \_\_\_\_\_  
State of Incorporation \_\_\_\_\_  
Geographical Area To Be Served \_\_\_\_\_

1. Designate the specific markets or areas in which operations will be conducted.

2. Describe specifically any authorizations issued by local, state, or federal regulatory agencies under which operations will be conducted.

(Signature of Officer)

(Name and Title)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_.

Notary Public

Seal

My commission expires \_\_\_\_\_

(NOTE: False statements contained herein are punishable by law, 18 U.S.C. 1001.)

[39 FR 33212, Sept. 16, 1974; 39 FR 34533, Sept. 26, 1974, as amended at 40 FR 23295, May 29, 1975; 44 FR 52835, Sept. 11, 1979; 69 FR 54006, Sept. 7, 2004]

#### §320.4 Suspension for certain letters of college and university organizations.

The operation of 39 U.S.C. 601(a) (1) through (6) and §310.2(b) (1) through (6) of this chapter is suspended on all post routes to permit colleges and universities to carry in their internal mail systems the letters of their *bona fide* student or faculty organizations to campus destinations. This suspension does not cover the letters of faculty members, students, or organizations other than *bona fide* student or faculty organizations of the carrying college or university. Colleges and universities choosing to provide their student or faculty organizations access to their internal mail systems are responsible

<sup>1</sup>Information relates exclusively to operations under the suspension for data processing materials. This form should be used for an initial notice of operations and for any amendments to the initial or subsequent notices.